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Date of Deposit Jan. 6, 2005

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By: Nina L. McNeill

PATENT

Docket No.: 020375-003500US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Thompson

Application No.: 09/965,667

Filed: September 26, 2001

For: SYSTEMS AND METHODS TO
FACILITATE PAYMENT FOR
SHIPPED GOODS

Examiner: Patel, Jagdish

Art Unit: 3624

**PETITION TO WITHDRAW HOLDING
OF ABANDONMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I was contacted by telephone by the Examiner assigned to the captioned application, Examiner Patel, on January 4, 2005. The Examiner indicated that the Office had received an Appeal Brief filed on July 7, 2004, but had no record of having received a Notice of Appeal. The Examiner indicated that the application is accordingly currently considered by the Office to be abandoned.

I reviewed the internal file for this application and noted that a Notice of Appeal was filed by first-class mail on May 7, 2004. The Notice of Appeal was filed in response to a Final Office Action mailed February 10, 2004 and having a shortened statutory period for

Mark Thompson
Application No.: 09/965,667
Page 2

PATENT

response of three months; its filing was therefore timely. It appears, after conducting an internal investigation, that the return postcard filed with the Notice of Appeal was not received by the law firm at which I am employed.

Applicant hereby petitions for withdrawal of any holding of abandonment since the Notice of Appeal was properly and timely filed in accordance with 37 C.F.R. §1.8. A copy of the Notice of Appeal and accompanying documents filed by first-class mail on May 7, 2004 are provided herewith. The accompanying documents include a Transmittal Form, a Fee Transmittal Form, and a return postcard. The Transmittal Form includes a Certificate of Mailing executed by Nina L. McNeill on May 7, 2004. A Statement by Ms McNeill attesting on a personal-knowledge basis to facts related to the filing is also submitted herewith.

It is thus believed that the requirements under 37 C.F.R. §1.8(b) for affording a filing date of May 7, 2004 to the Notice of Appeal and accompanying documents have been met. Applicant requests that the Notice of Appeal be entered as of that date and that the application be forwarded to the Examiner for consideration of the Appeal Brief filed July 7, 2004.

It is believed that no fee is required, but should the Patent Office determine otherwise, please deduct the requisite fee from Deposit Account 20-1430.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (303) 571-4000
Fax: (415) 576-0300
PMB:pmb

JAN 06 2005

PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/965,667
Filing Date	September 26, 2001
First Named Inventor	Thompson, Mark
Art Unit	3624
Examiner Name	Patel, Jagdish
Total Number of Pages in This Submission	Attorney Docket Number 020375-003500US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Petition to Withdraw Holding of Abandonment
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Statement of Nina L. McNeill
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Return Postcard
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

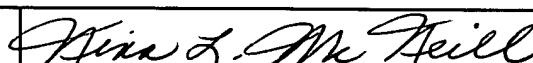
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Patrick M. Boucher		
Date	January 6, 2005	Reg. No.	44,037

CERTIFICATE OF TRANSMISSION/MAILING

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I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date January 6, 2005 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature



Typed or printed name

Nina L. McNeill

Date

January 6, 2005

JAN 06 2005

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 330)

Complete if Known	
Application Number	09/965,667
Filing Date	September 26, 2001
First Named Inventor	Thompson, Mark
Examiner Name	Patel, Jagdish
Art Unit	3624
Attorney Docket No.	020375-003500US

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$)	

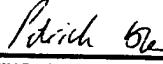
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid

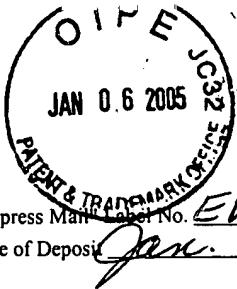
Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)				
3. ADDITIONAL FEES	Large	Entity	Small	Entity
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Petitions related to provisional applications
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify)				
*Reduced by Basic Filing Fee Paid				
SUBTOTAL (3)				(\$330)

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Patrick M. Boucher	Registration No. (Attorney/Agent)	44,037	Telephone 303-576-4000
Signature				
Date	May 7, 2004			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



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Date of Deposit Jan. 6, 2005

PATENT
Docket No.: 020375-003500US

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By: Nina L. McNeill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Thompson

Application No.: 09/965,667

Filed: September 26, 2001

For: SYSTEMS AND METHODS TO
FACILITATE PAYMENT FOR
SHIPPED GOODS

Examiner: Patel, Jagdish

Art Unit: 3624

**STATEMENT OF NINA L. MCNEILL
UNDER 37 C.F.R. §1.8(B)(3)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The following statements are based on my personal knowledge.
2. I am a Patent Secretary employed by Townsend and Townsend and Crew LLP ("Townsend") at 1200 Seventeenth St., Suite 2700, Denver CO 80202.
3. It is my usual and customary practice when filing papers by first-class mail with the U.S. Patent and Trademark Office ("USPTO") to review the paper after its execution by a patent attorney, to execute the Certificate of Mailing, to make a copy of the fully executed papers, and thereafter to deposit the papers in an envelope addressed to the USPTO. After personally sealing the envelope, it is picked up by an office-services clerk. The office-services clerk is required to affix sufficient postage to the envelope and to entrust all first-class mail

Mark Thompson
Application No.: 09/965,667
Page 2

PATENT

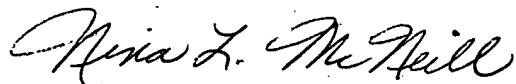
addressed to the USPTO with an office of the U.S. Postal Service on the same day it is received. I believe on information and belief that this procedure is diligently followed.

4. I have reviewed Townsend's file for U.S. Pat. Appl. No. 09/965,667. The file includes a copy of a Notice of Appeal executed by Patrick M. Boucher on May 7, 2004, accompanied by a Fee Transmittal Form and a Transmittal Form. The Transmittal Form specifically indicates that it accompanies a Fee Transmittal Form, a Notice of Appeal, and a Return Postcard. A true copy of these documents is attached to this Statement.

5. My signature appears on the Certificate of Mailing for the Transmittal Form.

6. My best recollection is that I did not deviate from my usual and customary practice described above and that the papers identified in ¶4 were entrusted with the U.S. Postal Service on May 7, 2004.

January 6, 2005



Nina L. McNeill

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PMB/nlm
60391841 v1

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please stamp the date of receipt of the following document(s):

For: SYSTEMS AND METHODS TO FACILITATE PAYMENT FOR SHIPPED GOODS

1. Transmittal Form
2. Fee Transmittal
3. Notice of Appeal (in duplicate)

Appl. No. 09/965,667
Date Filed: September 26, 2001
Date Mailed: May 7, 2004
Atty. Docket No. 020375-003500US
Atty/Sec: PMB/nlm (Den)

NLM Docketing MAY 07 2003